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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,147

02/17/2004

David Banks

112-0146US

2277

29855

7590

02/07/2006

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,

P.C.

20333 SH 249

SUITE 600

HOUSTON, TX 77070

EXAMINER

HARPER, KEVIN C

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/780,147

Applicant(s)

BANKS ET AL.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments, filed November 11, 2005 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Berman and Brunson.

***Terminal Disclaimer***

1. The terminal disclaimer filed on November 11, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 6,765,919 and US Applications 10/059,753 and 10/853,321 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-15 and 17-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Berman (US 2003/0095549).

2. Regarding claims 1, 9-10, 15, 18 and 22, Berman discloses a method for use in a system comprising a first fabric (Figure 10; abstract, lines 1-5; para 190) and several devices coupled to the fabric by Fibre Channel connections (para. 183, lines 4-5). The method comprises accessing

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a definition of a first configuration including at least one zone in an inherent storage medium (para. 8, lines 1-3 and last three lines; paras. 15 and 19) having at least one member and restricting communications between the devices coupled to the first fabric (para. 8, last three lines; para. 24, lines 1-3; para. 30; para. 156). Further regarding claim 13, the fabric comprises interconnected fabric elements (Figure 13). Further regarding claim 15, the system includes a login device (paras. 23 and 132). Further regarding claim 18, the system implements instructions on a computer readable medium (Figure 15).

3. Regarding claim 2, several configurations are available (Figures 1 and 6-13; para. 21).

4. Regarding claims 4 and 19, members with private communication have restricted communication (para. 8, lines 1-3 and last three lines).

5. Regarding claims 5 and 20, the name or address of a device is independent of its location (para. 21; note: the physical location of the device can not be exactly determined based on the assigned address because the device chooses an address within an assigned set).

6. Regarding claims 6-8 and 21, the name includes a worldwide port name or worldwide node name (paras. 97, 126 and 136-137) or ALPA (paras. 21 and 156).

7. Regarding claims 11-14 and 23, when a first fabric and a second fabric are merged (Figure 25), the definitions of the configurations are modified to allow communications between the first fabric and the second fabric (paras. 154, 156, 161-162).

8. Regarding claims 17 and 24, the element includes an inherent compiler (para. 8, lines 1-3; para. 19).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berman as applied to claim 1 or 15 above, and further in view of Brunson (US 5,329,579).

9. Regarding claims 3 and 16, Berman does not disclose a non-volatile memory for storing the configuration and reinstating the configuration after power loss. Brunson discloses using a non-volatile memory for storing control information in a device so that the device may function properly and similarly after a power outage (col. 5, lines 26-29 and 35-38). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a non-volatile memory in the invention of Berman for storing a system configuration and for reinstating the configuration in the event of a loss of power.

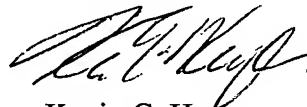
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is [kevin.harper@uspto.gov](mailto:kevin.harper@uspto.gov).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

February 6, 2006